

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASYLUM SEEKER ADVOCACY PROJECT,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

No. 25 Civ. 2133 (ALC)

STIPULATION AND PROPOSED ORDER OF SETTLEMENT AND DISMISSAL

WHEREAS, on February 19, 2025, plaintiff Asylum Seeker Advocacy Project (“ASAP” or “Plaintiff”) made a request (the “Request”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to defendant United States Citizenship and Immigration Services (“USCIS” or “Defendant”); and

WHEREAS, the Request sought a single record—a February 14, 2025 memorandum (the “Memorandum”) issued by USCIS’s Acting Deputy Director regarding certain immigration benefits, and also sought expedited processing; and

WHEREAS, USCIS denied the request for expedited processing by letter dated February 21, 2025; and

WHEREAS, on March 14, 2025, ASAP brought this suit, challenging the denial of expedited processing, and sought a preliminary injunction; and

WHEREAS, before its response to the preliminary injunction was due, USCIS granted expedited processing, and disclosed a complete, unredacted copy of the Memorandum, in a federal civil action in Massachusetts, and then via FOIA release to Plaintiff; and

WHEREAS, Plaintiff agrees that, following the grant of expedited processing and disclosure of the Memorandum, and conditioned on the resolution of its attorneys' fee claim embodied herein, all issues in this case are resolved, and dismissal is appropriate; and

WHEREAS, Plaintiff contends it is entitled to attorneys' fees and costs; and

WHEREAS, the only outstanding issue in this case is accordingly Plaintiff's claim for attorneys' fees and costs, and the parties wish to resolve that claim and dispose of this matter without further litigation,

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the parties as follows:

1. Within a reasonable time after the Court has endorsed and docketed this Stipulation and Order, Defendant shall pay to Plaintiff the total sum of seventeen thousand, five hundred dollars (\$17,500) for attorneys' fees and litigation costs. This payment shall constitute full and final satisfaction of any claims by Plaintiff for attorneys' fees and litigation costs in this matter, and is inclusive of any interest. Payment shall be made by electronic funds transfer, and counsel for Plaintiff will provide the necessary information to counsel for the Defendant to effectuate the transfer.

2. Plaintiff releases and discharges the Defendant and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiff asserted, or could have asserted, in this litigation arising out of Plaintiff's Request.

3. This action is accordingly dismissed with prejudice and without costs or fees other than as provided in paragraph 1 of this Stipulation and Order, provided that the Court shall

retain jurisdiction over any issues that might arise relating to the enforcement of this Stipulation and Order.

4. Without limiting Defendant's obligation to make the settlement payment as provided by Paragraph 1, nothing in this Stipulation and Order shall constitute an admission that Defendant is liable for any attorneys' fees or litigation costs apart from those fees and costs to which Defendant is stipulating to payment herein, or that Plaintiff "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or is entitled to or eligible for any attorneys' fees or litigation costs. Nor is it an admission that the amount here agreed upon covers all of the time that could, in Plaintiff's view, be compensable as attorneys' fees and litigation costs in this action. Rather, this Stipulation and Order is entered into by the parties solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks of further litigation concerning Plaintiff's claims for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other proceeding involving the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records made by Plaintiff under FOIA.

5. This Stipulation and Order contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect.

6. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

Date: New York, New York
May 14, 2025

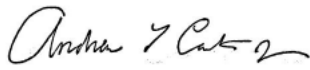

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Attorneys for Plaintiff

**Not admitted to the Southern District
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SO ORDERED:

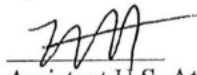

HON. ANDREW L. CARTER
UNITED STATES DISTRICT JUDGE

New York, NY
May 15, 2025

Date: New York, New York
May 14, 2025

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: PETER ARONOFF


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